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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,284	01/03/2002	Peter Kotsinadelis	4366-47	6822
7590	10/25/2005		EXAMINER	
Douglas W. Swartz SHERIDAN ROSS P.C. Suite 1200 1560 Broadway Denver, CO 80202-5141			WOZNIAK, JAMES S	
			ART UNIT	PAPER NUMBER
			2655	
				DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/037,284	KOTSIADELIS, PETER <i>V.</i>
	Examiner James S. Wozniak	Art Unit 2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 August 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 38-48, 51 and 53-77 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 38-48, 51, and 53-77 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 1/31/2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the office action from 6/24/2005, the applicant has submitted a request for continued examination, filed 8/18/2005, amending claims 38, 43, 51, 62, and 67, while canceling claims 49, 50, and 52, adding claims 75-77, and arguing to traverse the art rejection based on the amended limitations and determining whether a voice command is a macroinstruction (*Amendment, pages 16-17*). The applicant's arguments have been fully considered but are moot with respect to the new grounds of rejection in view of Davis (*U.S. Patent: 6,816,837*).

2. Due to the amendment of claims 43 and 62 and the cancellation of claims 49-50, the examiner has withdrawn the previous claim objections respectively drawn to minor informalities and improper dependent claims.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

With respect to the independent claims, the applicant argues that Peck et al (*U.S. Patent: 5,748,843*) teaches that voice commands must be different from macroinstruction names to avoid

system conflicts (Amendment, page 16). In response to such arguments, the examiner notes that the applicant is arguing system results, which are not presently claimed.

Furthermore, the applicant argues that Peck fails to teach determining whether a voice command is a macroinstruction (Amendment, page 17), however the examiner notes that Peck teaches a system and method for macro detection and execution utilizing macro definition patterns, wherein a control signal is output if a voice signal is a non-macroinstruction command (*Col. 13, Lines 1-7; Fig. 6, Element 94; and Col. 8, Lines 20-40*). Thus, since Peck teaches such a macro detection method, the independent claims remain rejected.

The applicant's arguments in regards to the amended limitations have been fully considered, but are moot with respect to the new grounds of rejection in view of Davis (*U.S. Patent: 6,816,837*).

In light of the applicant's arguments directed towards the 35 U.S.C. 112, second paragraph rejection (Amendment, page 12), the examiner has withdrawn said rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 38-40, 43, 46-47, and 75** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al (*U.S. Patent: 5,748,843*) in view of Davis (*U.S. Patent: 6,816,837*).

With respect to **Claim 38**, Peck discloses:

Receiving at least a first voice command (*Col. 12, Lines 34-37*);

Determining whether the at least a first voice command corresponds to a macroinstruction having a respective set of embedded executable instructions (*macro detection, Col. 11, Line 65- Col. 13, Line 7*);

When the at least a first voice command corresponds to a macroinstruction, executing the respective set of instructions, the respective set of instructions corresponding to a plurality of further voice commands (*Col. 12, Line 25- Col. 13, Line 7*);

When the at least a first voice command does not correspond to a macroinstruction, determining whether the at least a first voice command corresponds to a non-macroinstruction (*Col. 11, Line 65- Col. 13, Line 7*);

When the at least a first voice command corresponds to a non-macroinstruction, executing the non-macroinstruction (*Col. 11, Line 65- Col. 12, Line 54*).

Peck does not specifically disclose that a first voice command can correspond both to the macroinstruction and at least one of the further voice commands, however Davis teaches a means for user creation of a voice macro that utilizes a set of predefined voice commands that can be individually understood by a speech recognition system, wherein a user can speak *any* word to invoke a macro command (*Col. 5, Lines 23-49*).

Peck and Davis are analogous art because they are from a similar field of endeavor in speech-controlled systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck with the user defined voice commands taught by Davis in order to implement voice macro control of a practical capture device without having to repeat the same set of voice command instructions (*Davis, Col. 1, Lines 25-39; Col. 1, Lines 51-55*).

With respect to **Claim 39**, Peck recites:

Determining if the at least a first voice command corresponds to at least one of creating a macroinstruction, editing a macroinstruction, and deleting a macroinstruction (*learn mode, Col. 12, Lines 32-54*);

When the at least a first voice command corresponds to the at least one of creating a macroinstruction, editing a macroinstruction, and deleting a macroinstruction, executing at least one of creating a macroinstruction, editing a macroinstruction, and deleting a macroinstruction (*learn mode, Col. 12, Lines 32-54*).

Also, Davis also recites the use of a macro creation command (*Col. 5, Lines 23-49*).

With respect to **Claim 40**, Peck discloses:

Requesting the user to pronounce a name for the new macroinstruction to be created (*recognition computer looking for a macro name which would require an inherent request, Col. 12, Lines 32-54, and Fig. 6, Element 78*);

Receiving from the user the pronounced name for the new macroinstruction and the set of voice commands and associated instructions to be included with the macroinstructions associated set of instructions (*Col. 12, Lines 32-54*).

With respect to **Claim 43**, Peck teaches the process of creating a voice command when it is determined that a voice input is a “learn” command and not a voice macro before the steps of executing a macro, as applied to Claims 38 and 39. Also, Davis teaches creating a macro prior to macro execution, as applied to claim 39.

With respect to **Claim 46**, Davis teaches a system and method for voice macro creation that allows entry of a voice macro through a computer having a graphical user interface by speaking the macro speech commands and the name of the macro (*Col. 4, Line 59- Col. 5, Line 49*).

With respect to **Claim 47**, Davis further teaches the creation of a voice macro in an order of execution (*creation of macros, Col. 5, Lines 23-49; and macro creation example, Col. 2, Lines 21-41*) and executing an entire set of commands corresponding to a voice macro (*Col. 11, Lines 9-12; Fig. 8, Element 818*).

With respect to **Claim 75**, Davis teaches means for user creation of a voice macro that utilizes a set of predefined voice commands that can be individually understood by a speech recognition system, wherein a user can speak *any* word to invoke a macro command, which would inherently include words from the predefined set of voice commands (*Col. 5, Lines 23-49*).

6. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Davis, and further in view of Fitzpatrick et al (U.S. Patent: 5,671,328).

With respect to **Claim 41**, Peck in view of Davis teaches the method for creating a voice macro as applied to Claim 39. Also, Peck further teaches a prompt that requests a user speak a

command for editing (*Col. 18, Lines 7-18*) and the ability to edit voice macros (*Col. 22, Lines 47-53*). Peck does not specifically suggest a specific process of macro editing that includes accessing corresponding instructions and deleting user commands, however Fitzpatrick discloses a means for accessing macroinstructions associated with a selected voice command and entering and deleting voice commands (*Col. 6, Line 42- Col. 7, Line 27*).

Peck, Davis, and Fitzpatrick are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Davis with the voice macro editing means taught by Fitzpatrick to allow a user to customize a voice recognition macro by modifying a recognition template (*Fitzpatrick, Col. 3, Lines 22-28*).

7. **Claims 42, 45, 48, 50, 53-54, 56, 58-64, 66-67, 69-72, and 76-77** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Davis, and further in view of Johnson (*U.S. Patent: 5,835,571*).

With respect to **Claim 42**, Peck in view of Davis teaches the method for creating a voice macro as applied to Claim 40. Peck in view of Davis does not specifically suggest the ability to delete a macro by speaking the name of the macro to be deleted; however Johnson discloses a means for deleting a macro by its voice command (*Col. 12, Lines 31-50; Fig. 7F, Elements 725 and 727*).

Peck, Davis, and Johnson are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have

been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck with the means for deleting a macro by its voice command as taught by Johnson in order to provide a means for efficiently managing created voice macros (*Johnson, Col. 3, Lines 45-47*).

With respect to **Claim 45**, Johnson further teaches a graphical user interface that enables the editing of a macro (*Col. 13, Lines 50-58*).

With respect to **Claim 48**, Johnson further teaches macroinstructions performed immediately after reception of a macro command (*Col. 6, Lines 43-47*).

With respect to **Claim 51**, Peck teaches the voice macro recognition method as applied to claim 38 and further discloses:

Receiving at least a first voice command (*Col. 12, Lines 34-37*);

Determining whether the at least a first voice command corresponds to a macroinstruction having a respective set of instructions (*macro detection, Col. 11, Line 65- Col. 13, Line 7*);

When the at least a first voice command corresponds to a macroinstruction, executing the respective set of instructions, the respective set of instructions corresponding to a plurality of further voice commands (*Col. 12, Line 25- Col. 13, Line 7*);

Peck also teaches a speech recognizer and a voice macro memory (*Col. 12, Lines 32-54*).

Peck does not specifically disclose that a first voice command can correspond both to the macroinstruction and at least one of the further voice commands, however Davis teaches a means for user creation of a voice macro that utilizes a set of predefined voice commands that can be

individually understood by a speech recognition system, wherein a user can speak *any* word to invoke a macro command (*Col. 5, Lines 23-49*).

Peck and Davis are analogous art because they are from a similar field of endeavor in speech-controlled systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck with the user defined voice commands taught by Davis in order to implement voice macro control of a practical capture device without having to repeat the same set of voice command instructions (*Davis, Col. 1, Lines 25-39; Col. 1, Lines 51-55*).

Peck in view of Davis does not specifically suggest voice macro use with a telecommunications switching system, however Johnson teaches such an implementation (*voice macros, Col. 11, Lines 37-57, and PBX switch, Col. 2, Lines 44-48*). Johnson also teaches macroinstructions performed immediately after reception of a macro command (*Col. 6, Lines 43-47*).

Peck, Davis, and Johnson are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Davis with the use of a telecommunications switch as taught by Johnson in order to implement the system taught by Peck in view of Davis in a telecommunications system that allows different user to share and manage voice macros over a telephone (*Johnson, Col. 2, Lines 44-49; and Col. 3, Lines 45-47*).

Claims 53-54 contain subject matter similar to Claims 39-40, and thus, are rejected for the same reasons.

Claim 56 contains subject matter similar to Claim 42, and thus, is rejected for the same reasons.

Claims 58 and 69 contain subject matter similar to Claim 45, and thus, are rejected for the same reasons.

Claims 59 and 70 contain subject matter similar to Claim 46, and thus, are rejected for the same reasons.

Claims 60 and 71 contain subject matter similar to Claim 47, and thus, are rejected for the same reasons.

With respect to **Claim 61**, Peck teaches the input of user speech for commands within a macro as applied to Claim 40.

Claim 62 contains subject matter similar to Claim 51, and thus, is rejected for the same reasons.

Claims 63-64 contain subject matter similar to Claims 39-40, and thus, are rejected for the same reasons.

Claims 66-67 contain subject matter similar to Claims 42-43, and thus, are rejected for the same reasons.

With respect to **Claim 72**, Johnson further teaches macroinstructions performed immediately after reception of a macro command (*Col. 6, Lines 43-47*).

Claims 76-77 contains subject matter similar to claim 75, and thus, are rejected for the same reasons.

8. **Claim 44** is rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Davis, and further in view of McAuliffe et al (*U.S. Patent: 6,212,541*).

With respect to **Claim 44**, Peck in view of Davis teaches the method for creating a voice macro as applied to Claim 38. Peck in view of Davis does not specifically suggest the ability to imbed a second macro within a first macroinstruction, however McAuliffe teaches such ability (*Col. 5, Lines 47-57*).

Peck, Davis, and Johnson are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Davis with the ability to imbed a second macro within a first macroinstruction as taught by McAuliffe in order to implement a means for nesting macro calls (*McAuliffe, Col. 5, Lines 47-57*).

9. **Claims 55 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Davis, further in view of Johnson, and yet further in view of Fitzpatrick et al.

With respect to **Claims 55 and 65**, Peck in view of Davis, and further in view of Johnson teaches the speech recognition system utilizing voice macros as applied to Claims 53 and 63. Peck in view of Davis, and further in view of Johnson does not specifically suggest a specific process of macro editing that includes accessing corresponding instructions and deleting user commands, however Fitzpatrick discloses a means for accessing macroinstructions associated with a selected voice command and entering and deleting voice commands (*Col. 6, Line 42- Col. 7, Line 27*).

Peck, Davis, Johnson, and Fitzpatrick are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Davis, and further in view of Johnson with the voice macro editing means taught by Fitzpatrick to allow a user to customize a voice recognition macro by modifying a recognition template (*Fitzpatrick, Col. 3, Lines 22-28*).

10. **Claims 57 and 68** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Davis, further in view of McAuliffe et al, and yet further in view of Johnson.

Claims 57 and 68 contain subject matter similar to claim 44, and thus, are rejected for the same reasons.

11. **Claims 73-74** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Davis, in further view of Johnson, and yet further in view of Hashimoto et al (*U.S. Patent: 5,632,002*).

With respect to **Claim 73**, Peck in view of Davis and further in view of Johnson teaches the voice recognition unit, macrolibrary, and switching system as applied to Claim 51 Peck in view of Davis and further in view of Johnson does not specifically suggest speech macro use in a voice messaging system, however Hashimoto discloses such an implementation (*Col. 37, Lines 25-54; Fig. 53; and speech macros, Col. 38, Lines 56-67*).

Peck, Davis, Johnson, and Hashimoto are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would

have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Johnson with the voice mail system taught by Hashimoto in order to implement user created macros in a practical and well-known voice mail application in order to facilitate more efficient voice mail retrieval searches (*Hashimoto, Col. 38, Lines 56-67*).

With respect to **Claim 74**, Hashimoto teaches macros associated with voice mail retrieval searches (*Col. 38, Lines 56-67*).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bush et al (*U.S. Patent: 6,397,186*)- teaches a means for enabling a user to create voice command macros.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak
9/7/2005



W.R. YOUNG
PRIMARY EXAMINER